

2005 DRAFTING REQUEST

Bill

Received: **03/06/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Mike Wagner**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - AODA**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Substance abuse counselors

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 03/07/2006	csicilia 03/08/2006		_____			State
/1			rschluet 03/08/2006	_____	lnorthro 03/08/2006	lnorthro 03/20/2006	

FE Sent For:

at intro
3/24

<END>

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/?	dkennedy						
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11 WJ 3/7

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566
JA

FE Sent For:

<END>

Kennedy, Debora

From: Wagner, Mike
Sent: Friday, March 03, 2006 5:15 PM
To: Kennedy, Debora
Subject: Drafting Request

Attachments: Substance Abuse Counselor leg request.doc

Debora,

I just got the recommendations today from Reg. and Licensing. I know you are swamped, but we'll need the draft ASAP so we can get this done this session. The attached instructions are mostly background, but the last paragraph in each section has the relevant drafting instructions. If you have any questions, feel free to call.

Thanks,

Mike Wagner
Office of Sen. Carol Roessler
608-266-5300

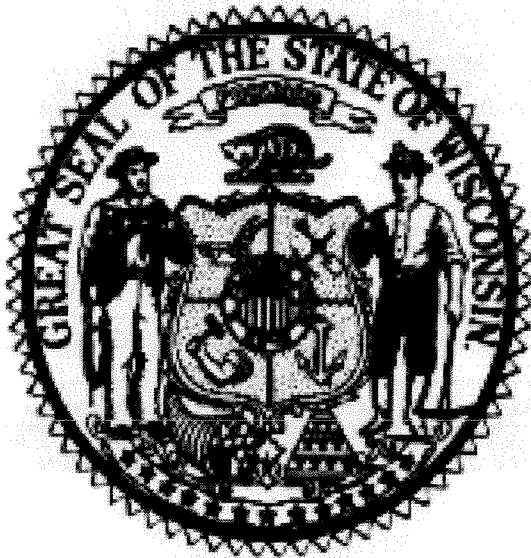


Substance Abuse
Counselor leg ...

3/6/06: ok to talk to DRL

Substance Abuse Counselor

March 2006



LEGISLATIVE REQUEST

REVISIONS TO THE
PROVISIONS OF 2005 ACT 25
RELATING TO THE
CREDENTIALING OF
SUBSTANCE ABUSE
COUNSELORS

Department of Regulation and Licensing

I. Introduction

Included within the provisions of 2005 Wisconsin Act 25 (commonly referred to as the Budget Bill) were provisions that granted authority for the credentialing of Alcohol and Other Drug Abuse Counselors to the Department of Regulation and Licensing. The credentialing of these professionals had previously been performed by The Wisconsin Certification Board, a private non-profit organization under contract with the Department of Health and Family Services. The budget bill as enacted on July 25, 2005 established that the transfer of this function to DRL was to be accomplished in 2006. The legislation required that an Advisory Committee be established to assist in the rulemaking process.

A work group consisting of employees of DHFS and DRL began to meet to analyze and plan the efficient transfer of credentialing authority. An advisory committee has been established consisting of 18 citizens with knowledge in the field or related industries.

Because of this analysis, several areas of concern have been identified that require legislative action to accomplish. The Advisory Committee has been consulted and a consensus was reached that a request for remedial legislation be made.

II. Effect on Existing State Law

A. CADC Credential Transfer

Currently, there are three fields that comprise the Substance Abuse Treatment profession: counselors, supervisors and prevention workers. There are more than eleven (11) levels of certification in the three fields. Counselors are responsible for providing the active treatment. The provisions of section 9121 (12s) Non-statutory Provisions, created new titles for the various levels of credential holders and directed which existing professions will transfer.

- certified as a registered alcohol and drug counselor I, transfers to certified as a basic substance abuse counselor.
- certified as a certified alcohol and drug counselor II, transfers to certified as an intermediate substance abuse counselor.
- certified as a certified alcohol and drug counselor III or as a certified alcohol and drug counselor-D, transfers to certified as an independent substance abuse counselor.

This list neglected to address a group of existing credential holders known as Certified Alcohol and Drug Counselors (CADC). This credential was issued for a short period, from June 2001 until June 2002 and is not currently available for new applicants, but a number of persons currently (281) hold that title.

The CADC credential was issued to persons applying through either of two tracks.

Track A:

1. Certification or licensure in good standing from the Department of Regulation and Licensing (DRL) at a Master's degree level or higher by the Social Work, Marriage and Family Therapy, or Professional Counselor Boards; and
2. Employed at a state of Wisconsin certified Mental Health or Substance Abuse Treatment service; and
3. Five years experience as a Substance Use Disorder Counselor performing the eight Practice Dimensions with substance use disorder clients

Track B:

1. Certification or licensure in good standing from the Wisconsin Department of Regulation and Licensing at a Master's degree level or higher by the Social Work, Marriage and Family Therapy, or Professional Counselor Boards; and
2. Employed at a state of Wisconsin certified Mental Health or Substance Abuse treatment service; and
3. Two to five years of experience as a Substance Use Disorder Counselor performing the eight Practice Dimensions with substance use disorder clients; and
4. Passing the International Certification & Reciprocity Consortium (IC & RC) written Counselor Certification Exam.

The Department of Regulation and Licensing recommends that legislation be drafted to transfer these credential holders to the mid level of certification, Intermediate Substance Abuse Counselor.

B. Entry Level Credentials

Currently, all three fields, counselor, supervisor and prevention worker have an entry level credential. These credentials are

Registered Alcohol and Drug Counselor
Registered Clinical Supervisor
Registered Prevention Worker

The entry-level generally present fairly low standards for registration. Under DHFS/WCB regulation, the entry-level certificates have a limited term with restrictions on renewal. These restrictions effectively made the entry-level certificates what DRL would call a "training certificate." The holder could practice in limited settings with strong supervision while they worked towards a full certificate. Act 25 elevates these entry-level certificates to full certificate status. There is no longer any restriction on renewals available to a certificate holder of this classification.

✓ The Department of Regulation and Licensing requests legislation to impose a limitation upon the number of times these credentials may be renewed. A limitation on the ability to hold this status for no more than four years, (one renewal) would require persons holding this credential to actively work to increase their competency and education in the field to reach the minimum standards necessary to qualify for certification at the intermediate level of the field.

Currently the provisions of Act 25 eliminate the credential of Registered Prevention worker and elevate those credential holders to the status of Prevention Specialist. This scenario places the entry-level credential holder on the same plane as other credential holders already deemed competent in this field. Such an action is not consistent with the other fields nor does it appropriately address the true competency level of the professional. In order to create consistency in the treatment of all three fields and in recognition of the prior standards for credentialing, the Department of Regulation and Licensing requests that a credential be created into which the Registered Prevention Worker may be transferred. This level of credential should also be subject to limited renewability.

C. Entry Level Title

Currently all three entry level credentials carry a title "Registered" that distinguishes the credential from the higher levels, "Certified." Act 25 assigns new titles to these credential holders. The Registered Alcohol and Drug Counselor (RADC) will become a Basic Substance Abuse Counselor. This title implies some level of competence to perform the function of Substance Abuse Counseling. This is misleading. Currently, the qualifications necessary to obtain registration as an RADC do not indicate competence in the field and denote no more than the person is employed in a position and will be working on gaining competence in the field.

Similarly, Act 25 changes the title for the Registered Clinical Supervisor to Basic Clinical Supervisor. Again, this title implies some degree of competence that is not consistent with the current qualifications necessary to obtain the title.

The Department of Regulation and Licensing requests that the titles be changed as follows;

- Registered Alcohol and Drug Counselor transfer to Substance Abuse Counselor Training Certificate (SACTC)

- Registered Clinical Supervisor transfer to Clinical Supervisor Training Certificate (CSTC)

- Registered Prevention Worker transfer to a newly created Prevention Specialist Training Certificate (PSTC) (or possibly delete this depending on the approach taken in F below.)

D. Misleading Titles and Scope of Practice

The provisions of Act 25 establish the highest tier of counselor certification be designated "Independent Substance Abuse Counselor." The term Independent when applied to Substance Abuse Counselors is misleading. Under current rules and regulations, the only distinction between the levels of certification is found in the amount and nature of the supervision required. Under Administrative Code DHFS ch. 75, supervision is required for all levels of certification. The newly created "Independent" level was created by merging the former CADC III and CADC-D. Those credential holders are required to have supervision by a clinical supervisor at the same rate as the newly created "Intermediate" (30 minutes per 40 hours of counseling) In common parlance, the term independent would connote no supervision is needed.

The Department of Regulation and Licensing recommends legislation to change the title to "Clinical Substance Abuse Counselor." Such a title provides the added distinction justified by the additional training and experience necessary to achieve this level of credentialing, without creating false or misleading expectations about the credential holder.

The Department of Regulation and Licensing also recommends legislation to delete the Intermediate categorization on the middle level credential. Response from credential holders indicates that this title "Intermediate" is viewed negatively and denigrates the work, experience, training and education necessary to achieve this credential. Such a title change, coupled with the changes to the entry level and reciprocal level credential will create a logical progress of credentials from training certificate to counselor to clinical counselor.

E. Compression compromises Reciprocity

The provisions of Act 25 as noted above compress multiple current levels of credentialing into fewer levels. The compression of both CADC III and CADC-D into one level (Independent SAC) compromises the reciprocal status of the CADC III. The International Certification & Reciprocity Consortium has set the current standard for national and international reciprocity.

To obtain a certificate as a CADC III requires meeting or exceeding the standards of reciprocity set by the ICRC. The CADC-D does not meet those same standards.

CADC III	CADC-D
7000 hours of supervised work experience	1000 hours of supervised work experience
360 of specialized training and education	180 of specialized training and education

By combining both reciprocal level credential holders with professionals who do not meet the same standards into one credential level, that level will likely be treated as reflecting the lower of the two standards. Other states and nations looking at our credential holders upon application for credential there will not be able with certainty to distinguish who is entitled to reciprocity and who is not.

The Department of Regulation and Licensing recommends that legislation to change CADC-Ds credential transfer to the Intermediate level rather than the Independent level. In addition to resolving the reciprocity issue, placing the CADC-D in the same credential as the CADC (discussed above) has a logical appeal. Both of these credentials have a requirement for an underlying credential in the MFT, SW or LPC field.

A similar issue exists with the compression of two levels within the field of clinical supervisor into the Independent Clinical Supervisor credential. Act 25 requires that professionals holding Certified Clinical Supervisor II and Certified Clinical Supervisor – G transfer to Independent Clinical Supervisor. The credential of

Certified Clinical Supervisor II is the credential that mirrors the reciprocity standards of the IC&RC. The credential of Certified Clinical Supervisor –G is the credential awarded to those who held the title prior to the last revision but did not necessarily meet the current requirements. The discussion about reciprocity above is applicable in this field as well.

The Department of Regulation and Licensing recommends legislation changing the CCS-G transfer to the Intermediate Clinical Supervisor rather than the Independent Clinical Supervisor.

F. Compression compromises Competency

The credential field of the Prevention Specialist is compressed from three levels into one. As currently credentialed, there is an entry level, an intermediate level and a reciprocal level credential in this field. The compression of all three into one credential creates a competency issue as noted above in the discussion of the RADC/Basic Substance Abuse Counselor. This compression creates an issue with reciprocity as discussed above in regards to the Independent Substance Abuse Counselor.

The Department of Regulation and Licensing recommends that the Prevention Specialist field be divided into two levels. There should be a lower level that is comprised of the Registered Prevention Worker and the Registered Prevention Specialist. The higher level of certification should be a transfer of those professionals currently holding the Certified Prevention Specialist credential. This would allow for maintenance of the reciprocity component of this credential. The elimination of a training certificate for this field can be justified due to the nature of the services performed. Prevention specialists do not provide clinical or counseling services to individuals. Rather, this field focuses on promoting awareness, knowledge, competency and skill targeted to the larger community or to specific populations.

G. Education/Continuing Education

The overall profession is a rare example of a profession that may be entered by hard work and experience rather than on formal education. While formal education is one pathway, this profession recognizes and values the contribution that personal experience in recovery can add to the expertise of the counselor. In recognition of this pathway to competence, this profession has a high demand for education courses and seminars. There are few institutions of higher learning that offer a comprehensive curriculum that prepare a candidate for competence. Historically, substantial portions of the education of these professionals comes from continuing education type courses and seminars.

Act 25 did not address the issue of accreditation of course work or approval of continuing education type programs. The current recertification standards contain substantial CE requirements for each credential level. It is unclear what agency or institution has the authority to approve coursework both for initial licensure and for continuing education credit.

The Department of Regulation and Licensing recommends that authority to approve educational coursework for both initial licensure and continuing education be given

to the Department of Health and Family Services. The Department of Regulation and Licensing further recommends that authority to require continuing education be included in the statutes addressing recertification/renewal.

H. Scope of Practice

Under the regulations as they exist prior to transfer, the only distinctions between levels of certification are primarily the requirements necessary to obtain the title. Thus an RADC I may perform all those functions that a CADC III may perform. The distinction is only found in the underlying qualifications and the amount of supervision the counselor is subjected to. Similar lack of clarity exists in the fields of supervisor and prevention worker. The Department of Regulation and Licensing recommends that legislation be added to empower the Department of Regulation and Licensing to define, by rule, the scope of practice and the supervision requirements for each level of credential authorized.

III. Legislative Action in Previous Session

2005 Act 25 commonly called the Budget Bill contains the prior legislation.

IV. Policy Significance

This proposal is consistent with the intent of the legislature as set forth in 2005 Act 25. The requests made are necessary to create a viable and trustworthy certification process, which recognizes those issues of historical concern to the profession while continuing a credentialing process reasonably assured of producing competent professionals. Many of the requests would assist in bringing this profession into the same family as other professions that provide counseling to Wisconsin citizens in a safe and effective manner.

Wisconsin substance abuse counseling providers will benefit from this proposal by the ability to serve their clients with the knowledge that they have achieved this credential in a manner that assure competency in the field.

Wisconsin customers will benefit from the ability to choose a provider with appropriate education and training to address their individual needs.

The protection of the public is enhanced as the Wisconsin Department of Regulation and Licensing will have the ability to differentiate scope of practice levels commensurate with the training and experience of the credential holder.

V. Administrative Significance

The Department of Regulation and Licensing is currently engaged in the rulemaking process to implement the provisions of 2005 Act 25. The legislation requested will clarify, supplement and enhance the regulations both for the benefit

of the credential holders and for the consumers while preserving the high standards of the profession.

These proposals have been reviewed and approved by the credential review committee established by the Department in compliance with 2005 Act 25.

VI. Fiscal Effect

Act 25 mandated the transfer of the credentialing authority of this profession to DRL. The fiscal impact of this transfer was considered through that process. The requested legislation is remedial in nature. That is, the request set forth will make the transfer a more logical and orderly transfer, encompassing all the current credential holders. The fiscal impact of these requested changes will be subsumed by the overall changes previously mandated.

VII. Laws in Other States

The current mode of credentialing in Wisconsin is very similar and complementary to the credentialing model recommended by the International Credentialing and Reciprocity Consortium. There are 44 states, the District of Columbia, 2 U.S. territories and 11 global jurisdictions that are members of the IC&RC. The requests for legislation are consistent with and complementary to that model.

VIII. Summary and Recommendation

The Department recommends these requested changes.

IX. Additional Information

Office of Legal Counsel
Department of Regulation and Licensing
608-267-1803

Kennedy, Debora

From: Schuh, Dennis - DRL
Sent: Monday, March 06, 2006 3:11 PM
To: Kennedy, Debora
Subject: Substance Abuse Counselor remedial legislation

FAX 251-3017

Attachments: legis amendment.doc

6-9813

Hello

I have heard that you drew the assignment to draft a request from Sen. Roessler. I am the attorney at DRL that has been assigned to write the administrative rules.

I don't know if you would find it helpful or not but I put some thoughts together on what I think is needed. I have attached them. If you find them helpful that is great otherwise please disregard. If I can provide any assistance please let me know.



legis
amendment.doc (68 K)

The legislative request neglects to include a request to fix a reference to DHFS in 457.02(5) changed to DRL.
Dennis C. Schuh

that should be

Effecture date = Dec. 15

Subchapter VII of chapter 440 [precedes 440.75] of the statutes is created to read:

CHAPTER 440

SUBCHAPTER VII

SUBSTANCE ABUSE COUNSELORS, CLINICAL SUPERVISORS, AND PREVENTION SPECIALISTS

440.88 Substance abuse counselors, clinical supervisors, and prevention specialists.

(1) **DEFINITIONS.** In this subchapter:

✓ (a) "Clinical supervisor" means a ~~basic~~-clinical supervisor ⁱⁿ training certificate, an intermediate clinical supervisor, or an independent clinical supervisor.

✓ (b) "Substance abuse counselor" means a ~~basic~~-substance abuse counselor ⁱⁿ training certificate, an ~~intermediate~~-substance abuse counselor, or an ~~independent~~ a clinical substance abuse counselor.

✓ CR (c)
(2) **CERTIFICATION.** Except as provided in sub. (3m) and s. 440.12 or 440.13, the department shall certify as a substance abuse counselor, a clinical supervisor, or a prevention specialist any individual who satisfies the applicable conditions in sub. (3) and who has presented evidence satisfactory to the department that applicable certification standards and qualification of the department, as established by rule, have been met.

(3) **CERTIFICATION; STANDARDS AND QUALIFICATIONS.** (a) Subject to pars. (b) and (c) and except as provided in sub. (3m), the department shall promulgate rules that establish minimum standards and qualifications for the certification of all of the following, including substance abuse counselors and clinical supervisors described under s. HFS 75.02 (11) and (84), 2005 Wis. Adm. Code:

✓ 1. ~~Basic~~-Substance abuse counselors ⁱⁿ training certificate. *

✓ 2. ~~Intermediate~~ Substance abuse counselors.

✓ 3. ~~Independent~~ Clinical substance abuse counselors.

✓ 4. ~~Basic~~ clinical supervisors ⁱⁿ training certificate. *

5. Intermediate clinical supervisors.

6. Independent clinical supervisors.

✓ 7. Prevention specialists ⁱⁿ ~~training certificate~~.

✓ 8. Prevention specialists.

(b) Rules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence-based.

(c) Before the department may promulgate rules under par. (a), the department shall appoint a certification review committee under s. 227.13 and shall consult with the certification review committee on the proposed rules.

(3m) **EXCEPTION.** This section does not apply to a physician, as defined in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), or a licensed psychologist, as defined in s. 455.01 (4), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

✓ (4) **APPLICATIONS; CERTIFICATION PERIOD.** An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the fee specified in s. 440.05 (1). The renewal date and renewal fee for certification as a substance abuse counselor, clinical supervisor, or prevention specialist are specified under s. 440.08 (2) (a). The certification as a training certificate may only be renewed twice.

(5) **CERTIFICATION REQUIRED.** Except as provided in sub. (3m), no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under sub. (2).

(6) **REVOCATION, DENIAL, SUSPENSION, OR LIMITATION OF CERTIFICATION.** The department may, after a hearing held in conformity with chapter 227, revoke, deny, suspend, or limit under this subchapter the certification of any substance abuse counselor, clinical supervisor, or prevention specialist or reprimand the substance abuse counselor, clinical supervisor, or prevention specialist, for practice of fraud or deceit in obtaining the certification or any unprofessional conduct, incompetence, or professional negligence.

(7) **RECIPROCAL CERTIFICATION.** The department may, upon application and payment of the required fee, issue certification as a substance abuse counselor, clinical supervisor, or prevention specialist to an individual who holds a similar unexpired

certification issued to the individual by another state for which the requirements for certification are of a standard that is not lower than that specified in this subchapter.

(8) **CERTIFICATION OTHER THAN BY DEPARTMENT PROHIBITED.** No entity other than the department may certify substance abuse counselors, clinical supervisors, or prevention specialists.

✓
45D.0412
(9) **CONTINUING EDUCATION.** The department may do all of the following:

- (a) Promulgate rules establishing the minimum number of hours of continuing education and the topic areas that the continuing education must cover; or
- (b) Require continuing education as part of the disciplinary process to ensure competency.

✓
(10) **CONTINUING EDUCATION COURSE APPROVAL.** The Department of Health and Family Services shall establish the criteria for the approval of continuing education programs and courses required for renewal of a license and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The Department of Health and Family Services shall approve continuing education programs and courses in accordance with that criteria.

✓
(11) **SCOPE OF PRACTICE.** The department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision and prevention.

? certification
under
this
section

Section 9121 of 2005 Act 25 Nonstatutory provisions

(12s) **TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION.**

(a) Certified alcohol and drug counselors. Except as provided in paragraph (am), all of the following individuals who are certified under the following titles under the requirements of section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before the effective date of this paragraph are certified as follows under section 440.75 of the statutes, as created by this act:

1. If certified as a ^{registered} alcohol and drug counselor I, certified as a ~~basic~~ substance abuse counselor training certificate.

2. If certified as a certified alcohol and drug counselor II, certified as an ~~intermediate~~ a substance abuse counselor.

2a. If certified as a certified alcohol and drug counselor or as a certified alcohol and drug counselor D, certified as a substance abuse counselor.

3. If certified as a certified alcohol and drug counselor III ~~or as a certified alcohol and drug counselor D~~, certified as an ~~independent~~ a clinical substance abuse counselor.

4. If certified as a registered clinical supervisor, certified as a ~~basic~~ clinical supervisor — in training certificate.

5. If certified as a certified clinical supervisor I or as certified clinical supervisor -G certified as an intermediate clinical supervisor.

6. If certified as a certified clinical supervisor II ~~or certified clinical supervisor -G~~, certified as an independent clinical supervisor.

7. If certified as a registered prevention worker, certified as a prevention specialist — in — training certificate.

8. If certified as a certified prevention professional, certified as a prevention specialist.

(am) Exception. This subsection does not apply to a physician, as defined in section 448.01 (5) of the statutes, who specializes in psychiatry, a clinical social worker, as defined in section 457.01 (1r) of the statutes, or a licensed psychologist, as defined in section 455.01 (4) of the statutes, who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the

scope of his or her licensure.

(b) Rules and orders. All rules of the department of health and family services regulating certification of alcohol and drug counselors, as determined by the secretary of administration, that are in effect immediately before the effective date of this paragraph are void on the effective date of this paragraph. All orders of the department of health and family services regulating certified alcohol and drug counselors, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of regulation and licensing.

(c) Assets and liabilities. On the effective date of this paragraph, the assets and liabilities of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, shall become the assets and liabilities of the department of regulation and licensing.

(d) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, is transferred to the department of regulation and licensing.

✓

457.02 Applicability. This chapter does not do any of the following:

457.02(1)

(1) Require any individual to be certified or licensed under this chapter in order to use the title "pastoral counselor," "investment counselor," "vocational counselor," "career counselor," "alcohol and drug counselor," "chemical dependency counselor," or "employee assistance counselor," or to engage in such counseling, if the individual does not use any other title or designation that represents or may tend to represent that he or she is certified or licensed under this chapter, and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

457.02(2)

(2) Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified or licensed under this chapter in order to use the title "school social worker" or "school counselor."

457.02(3)

(3) Require a person who is licensed as a psychologist under ch. 455 or who is a psychiatrist to be licensed under this chapter in order to use the title "marriage and family therapist," "marriage and family counselor," or "professional counselor" if the psychologist or psychiatrist does not use the term "licensed," "certified," or "registered" or any similar term in connection with the title "marriage and family therapist," "marriage and family counselor," or "professional counselor."

? already
there

457.02(4)

(4) Authorize any individual who is certified or licensed under this chapter to use the title "school social worker" or "school counselor" unless the individual is licensed as a school social worker or school counselor by the department of public instruction.

457.02(5)

(5) Authorize any individual who is certified or licensed under this chapter to use the title "alcohol and drug counselor" or "chemical dependency counselor" unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department of ~~health and family services~~ regulation and licensing.

457.02(5m)

(5m) Authorize any individual who is certified or licensed under this chapter to treat

alcohol or substance dependency or abuse as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 [s. 440.88], or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 [s. 440.88].

457.02 - ANNOT.

NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending.

457.02 - ANNOT.

NOTE: Sub. (5m) is shown as amended eff. on 2006 by 2005 Wis. Act 25. Prior to on 2006 it reads:

457.02 - ANNOT.

(5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm. Code, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code.

shall collect ~~an expedited~~ a service fee of \$3 each time the agent issues a validated registration receipt under par. (ag) 1. a. The agent shall retain the entire amount of each expedited service fee the agent collects.

SECTION 2278. 350.12 (3h) (ar) 2. of the statutes is amended to read:

350.12 (3h) (ar) 2. In addition to the applicable fee under sub. (3) (a), the department or the agent appointed under par. (a) 3. shall collect ~~an expedited~~ a service fee of \$3 ~~\$5~~ each time the expedited service under par. (ag) 1. b. is provided. The agent shall remit to the department \$1 of each expedited service fee the agent collects.

SECTION 2278m. 350.12 (4) (bg) (title) of the statutes is amended to read:

350.12 (4) (bg) (title) *Supplemental trail aid payments aids; funding.*

SECTION 2278s. 350.12 (4) (bm) (intro.) of the statutes is amended to read:

350.12 (4) (bm) (intro.) *Supplemental trail aid payments aids; eligibility.* A county or the department shall be eligible for payments under par. (bg) for a given fiscal year if it applies for the aid and if all of the following apply:

SECTION 2279. 350.12 (4) (bm) 2. of the statutes is amended to read:

350.12 (4) (bm) 2. Of the actual cost incurred by the department or the county in maintaining its trails that are qualified under par. (b) 1. or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in grooming the trails exceeds a maximum of \$130 \$150 per mile per year.

SECTION 2279m. 350.12 (4) (bn) of the statutes is created to read:

350.12 (4) (bn) *Supplemental trail aids; payments.* Each county shall submit its application for aid under par. (bm) before the August 1 immediately following June 30 of the fiscal year for which the county is applying. Before the September 15 immediately following the date of application, the department shall make an initial payment to each county that is equal to 50 percent of the amount applied for. After determining under pars. (bg) and (bm) the total amounts due all counties, the department shall notify each county, before the December 1 immediately following the date of the initial payment, of the balance still owing. If the department determines that the total amount for which the county is eligible is less than the amount applied for, the department shall deduct the difference from the balance paid to the county.

SECTION 2279p. 350.12 (4) (br) (title) of the statutes is amended to read:

350.12 (4) (br) (title) *Supplemental trail aid payments aids; insufficient funding.*

SECTION 2280. 350.125 (1) (am) of the statutes is repealed.

SECTION 2281. 351.02 (1) (b) of the statutes is amended to read:

351.02 (1) (b) Twelve or more convictions of moving violations of ch. 346, including violations under par. (a), ~~of traffic regulations or of crimes in the operation of a motor vehicle which are required to be reported under s. 343.28 or 345.37 (5).~~

SECTION 2282. 351.02 (1) (f) of the statutes is amended to read:

351.02 (1) (f) The department may, by rule, exempt specific moving violations of ch. 346 from being counted under par. (b) if the department determines that the violation is a petty offense, except that the department may not exempt any violation for which the department assigns demerit points under s. 343.32 (2) or rules promulgated thereunder.

SECTION 2283. 351.02 (2) of the statutes is repealed.

SECTION 2283g. 440.03 (9) (b) of the statutes is amended to read:

440.03 (9) (b) A recommended change to each fee specified under s. 440.05 (1) for an initial credential for which an examination is not required, under s. 440.05 (2) for a reciprocal credential and under s. 440.08 (2) (a) for a credential renewal if the change is necessary to reflect the approximate administrative and enforcement costs of the particular occupation or business during the period in which the initial or reciprocal credential or credential renewal is in effect and, for purposes of the recommended change to each fee specified under s. 440.08 (2) (a) for a credential renewal, to reflect an estimate of any additional moneys available for the department's general program operations, during the budget period to which the biennial budget request applies, as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) prior to and during that budget period. The department may not recommend an initial credential fee that exceeds the amount of the fee that the department recommends for a renewal of the same credential, if no examination is required for the initial credential.

SECTION 2284. 440.03 (11m) (c) of the statutes is amended to read:

440.03 (11m) (c) The department of regulation and licensing may not disclose a social security number obtained under par. (a) to any person except the coordinated licensure information system under s. 441.50 (7); the department of workforce development for purposes of administering s. 49.22; and, for a social security number obtained under par. (a) 1., the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and administering state taxes.

SECTION 2284mg. 440.03 (13) (b) 5m. of the statutes is created to read:

440.03 (13) (b) 5m. Substance abuse counselor, clinical supervisor, or prevention specialist.

SECTION 2285. 440.03 (13) (b) 66d. of the statutes is created to read:

440.03 (13) (b) 66d. Sanitarian.

SECTION 2286b. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.9935, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c) 2., 449.17, and 449.18:

SECTION 2287. 440.08 (2) (a) 1. of the statutes is amended to read:

440.08 (2) (a) 1. Accountant, certified public: January 1 December 15 of each even-numbered odd-numbered year; \$59.

SECTION 2288. 440.08 (2) (a) 3. of the statutes is amended to read:

440.08 (2) (a) 3. Accounting corporation or partnership: January 1 December 15 of each even-numbered odd-numbered year; \$56.

SECTION 2289. 440.08 (2) (a) 5. of the statutes is amended to read:

440.08 (2) (a) 5. Aesthetician: July April 1 of each odd-numbered year; \$87.

SECTION 2290. 440.08 (2) (a) 6. of the statutes is amended to read:

440.08 (2) (a) 6. Aesthetics establishment: July April 1 of each odd-numbered year; \$70.

SECTION 2291. 440.08 (2) (a) 7. of the statutes is amended to read:

440.08 (2) (a) 7. Aesthetics instructor: July April 1 of each odd-numbered year; \$70.

SECTION 2292. 440.08 (2) (a) 8. of the statutes is amended to read:

440.08 (2) (a) 8. Aesthetics school: July April 1 of each odd-numbered year; \$115.

SECTION 2293. 440.08 (2) (a) 9. of the statutes is amended to read:

440.08 (2) (a) 9. Aesthetics specialty school: July April 1 of each odd-numbered year; \$53.

SECTION 2293m. 440.08 (2) (a) 9m. of the statutes is created to read:

440.08 (2) (a) 9m. Substance abuse counselor, clinical supervisor, or prevention specialist: March 1 of each odd-numbered year; \$70. *Except as limited*

SECTION 2294. 440.08 (2) (a) 11. of the statutes is amended to read:

440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 December 15 of each even-numbered odd-numbered year; \$162.

SECTION 2295. 440.08 (2) (a) 11m. of the statutes is amended to read:

440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 December 15 of each even-numbered odd-numbered year; \$167.

SECTION 2296. 440.08 (2) (a) 12. of the statutes is amended to read:

440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 December 15 of each even-numbered odd-numbered year; \$185.

SECTION 2296k. 440.08 (2) (a) 14d. of the statutes is amended to read:

440.08 (2) (a) 14d. Athlete agent: July 1 of each even-numbered year; ~~the amount specified in rules promulgated under s. 440.9935~~ \$53.

SECTION 2297. 440.08 (2) (a) 14g. of the statutes is amended to read:

440.08 (2) (a) 14g. Auction company: January 1 December 15 of each odd-numbered even-numbered year; \$56.

SECTION 2298. 440.08 (2) (a) 14r. of the statutes is amended to read:

440.08 (2) (a) 14r. Auctioneer: January 1 December 15 of each odd-numbered even-numbered year; \$174.

SECTION 2299. 440.08 (2) (a) 16. of the statutes is amended to read:

440.08 (2) (a) 16. Barbering or cosmetology establishment: July April 1 of each odd-numbered year; \$56.

SECTION 2300. 440.08 (2) (a) 17. of the statutes is amended to read:

440.08 (2) (a) 17. Barbering or cosmetology instructor: July April 1 of each odd-numbered year; \$91.

SECTION 2301. 440.08 (2) (a) 18. of the statutes is amended to read:

440.08 (2) (a) 18. Barbering or cosmetology manager: July April 1 of each odd-numbered year; \$71.

SECTION 2302. 440.08 (2) (a) 19. of the statutes is amended to read:

440.08 (2) (a) 19. Barbering or cosmetology school: July April 1 of each odd-numbered year; \$138.

SECTION 2303. 440.08 (2) (a) 20. of the statutes is amended to read:

440.08 (2) (a) 20. Barber or cosmetologist: July April 1 of each odd-numbered year; \$63.

SECTION 2303k. 440.08 (2) (a) 21. of the statutes is amended to read:

440.08 (2) (a) 21. Cemetery authority, licensed: January 1 December 15 of each odd-numbered even-numbered year; \$343, plus an amount to be determined by rule by the cemetery board.

SECTION 2305. 440.08 (2) (a) 22. of the statutes is amended to read:

440.08 (2) (a) 22. Cemetery preneed seller: January 1 December 15 of each odd-numbered even-numbered year; \$61.

SECTION 2306. 440.08 (2) (a) 23. of the statutes is amended to read:

440.08 (2) (a) 23. Cemetery salesperson: January 1 December 15 of each odd-numbered even-numbered year; \$90.

SECTION 2307. 440.08 (2) (a) 24. of the statutes is amended to read:

SECTION 2334. 440.08 (2) (a) 71. of the statutes is amended to read:

440.08 (2) (a) 71. Veterinary technician: January 1 December 15 of each even-numbered odd-numbered year; \$58.

SECTION 2336. Subchapter VI of chapter 440 [precedes 440.70] of the statutes is created to read:

CHAPTER 440
SUBCHAPTER VI
SANITARIANS

SECTION 2336m. 440.70 (6) of the statutes is created to read:

440.70 (6) APPLICATIONS. An application for a sanitarian registration under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the fee specified in s. 440.05 (1). The renewal date and renewal fee for a sanitarian registration are specified under s.440.08 (2) (a).

SECTION 2337. 440.70 (9) of the statutes is created to read:

440.70 (9) FORFEITURE. In addition to or in lieu of a reprimand or a denial, limitation, suspension, or revocation of a registration under sub. (8), the department may assess against any person a forfeiture of not less than \$100 nor more than \$1,000 for each violation under sub. (8).

SECTION 2337am. Subchapter VII of chapter 440 [precedes 440.75] of the statutes is created to read:

CHAPTER 440
SUBCHAPTER VII
SUBSTANCE ABUSE COUNSELORS,
CLINICAL SUPERVISORS,
AND PREVENTION SPECIALISTS

440.75 Substance abuse counselors, clinical supervisors, and prevention specialists. (1) DEFINITIONS. In this subchapter:

(a) "Clinical supervisor" means a basic clinical supervisor, an intermediate clinical supervisor, or an independent clinical supervisor.

(b) "Substance abuse counselor" means a basic substance abuse counselor, an intermediate substance abuse counselor, or an independent substance abuse counselor.

(2) CERTIFICATION. Except as provided in sub. (3m) and s. 440.12 or 440.13, the department shall certify as a substance abuse counselor, a clinical supervisor, or a prevention specialist any individual who satisfies the applicable conditions in sub. (3) and who has presented evidence satisfactory to the department that applicable certification standards and qualification of the department, as established by rule, have been met.

(3) CERTIFICATION; STANDARDS AND QUALIFICATIONS.

(a) Subject to pars. (b) and (c) and except as provided in sub. (3m), the department shall promulgate rules that establish minimum standards and qualifications for the certification of all of the following, including substance

abuse counselors and clinical supervisors described under s. HFS 75.02 (11) and (84), 2005 Wis. Adm. Code:

1. Basic substance abuse counselors.
2. Intermediate substance abuse counselors.
3. Independent substance abuse counselors.
4. Basic clinical supervisors.
5. Intermediate clinical supervisors.
6. Independent clinical supervisors.
7. Prevention specialists.

(b) Rules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence-based.

(c) Before the department may promulgate rules under par. (a), the department shall appoint a certification review committee under s. 227.13 and shall consult with the certification review committee on the proposed rules.

A majority of the members of the certification review committee required under this paragraph shall represent alcohol and other drug abuse organizations in this state, as recommended by the Wisconsin Association on Alcoholism and Other Drug Abuse, Inc.

(3m) EXCEPTION. This section does not apply to a physician, as defined in s. 448.01 (5), who specializes in psychiatry, a clinical social worker, as defined in s. 457.01 (1r), or a licensed psychologist, as defined in s. 455.01 (4), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the fee specified in s. 440.05 (1). The renewal date and renewal fee for certification as a substance abuse counselor, clinical supervisor, or prevention specialist are specified under s. 440.08 (2) (a).

(5) CERTIFICATION REQUIRED. Except as provided in sub. (3m), no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under sub. (2).

(6) REVOCATION, DENIAL, SUSPENSION, OR LIMITATION OF CERTIFICATION. The department may, after a hearing held in conformity with chapter 227, revoke, deny, suspend, or limit under this subchapter the certification of any substance abuse counselor, clinical supervisor, or prevention specialist or reprimand the substance abuse

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counselor, clinical supervisor, or prevention specialist, for practice of fraud or deceit in obtaining the certification or any unprofessional conduct, incompetence, or professional negligence.

(7) **RECIPROCAL CERTIFICATION.** The department may, upon application and payment of the required fee, issue certification as a substance abuse counselor, clinical supervisor, or prevention specialist to an individual who holds a similar unexpired certification issued to the individual by another state for which the requirements for certification are of a standard that is not lower than that specified in this subchapter.

(8) **CERTIFICATION OTHER THAN BY DEPARTMENT PROHIBITED.** No entity other than the department may certify substance abuse counselors, clinical supervisors, or prevention specialists.

SECTION 2337b. 440.90 (1) of the statutes is renumbered 440.90 (1c).

SECTION 2337c. 440.90 (1b) of the statutes is created to read:

440.90 (1b) "Board" means the cemetery board.

SECTION 2337d. 440.90 (4m) of the statutes is created to read:

440.90 (4m) "Licensed cemetery authority" means a cemetery authority that is licensed under s. 440.91 (1).

SECTION 2337e. 440.90 (4r) of the statutes is created to read:

440.90 (4r) "Licensee" means a person licensed under this subchapter.

SECTION 2337g. 440.905 of the statutes is created to read:

440.905 General duties and powers of board. (1) In addition to the other duties and powers of the board under this subchapter, the board shall advise the secretary of regulation and licensing on matters relating to cemeteries, to this chapter, or to the board.

(2) The board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers. The board may determine, by rule, a fee under s. 440.05 (1) (a) and under s. 440.08 (2) (a) 21. that is sufficient to fund the board's operating costs.

SECTION 2337h. 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and amended to read:

440.91 (1) (a) ~~Except as provided in sub. (6m), every~~ Any cemetery authority that operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a total of 10 20 or more cemetery lots or mausoleum spaces at a cemetery during a calendar year and that pays any commission or other compensation to any person for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register with, or that has \$100,000 or more in preneed trust fund accounts for a cemetery shall apply to the department. The registration shall be in writing and shall include the names of the officers of the cem-

etry authority board for a license for that cemetery. A cemetery authority that operates more than one cemetery shall apply for a separate license for each cemetery that is 5 acres or more in size and for each cemetery at which it sells 20 or more burial spaces or at which it has \$100,000 or more in preneed trust fund accounts.

SECTION 2337i. 440.91 (1) (b) and (c) of the statutes are created to read:

440.91 (1) (b) The board shall grant a license to a cemetery authority if all of the following are satisfied:

1. The cemetery authority submits an application for the license to the board on a form provided by the board. The application shall require the cemetery authority to provide the names of the officers of the cemetery authority and to identify a business representative who is primarily responsible for the cemetery authority's compliance with subch. II of ch. 157 and this subchapter.

2. The cemetery authority pays the fee specified in s. 440.05 (1).

(c) 1. The renewal dates and renewal fees for licenses granted under par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is not required to renew its license if the cemetery authority sells less than 20 cemetery lots or mausoleum spaces at a cemetery during a calendar year, or that has less than \$100,000 in preneed trust fund accounts for a cemetery.

2. A licensed cemetery authority that is not required to renew its license under subd. 1. shall renew the license if, during a period of 2 consecutive calendar years that is subsequent to the period specified in subd. 1., the cemetery authority sells 20 or more cemetery lots or mausoleum spaces for a cemetery or has \$100,000 or more in preneed trust fund accounts for a cemetery.

SECTION 2337k. 440.91 (2) (intro.) of the statutes is amended to read:

440.91 (2) (intro.) ~~Except as provided in subs. (7) and sub. (10), every individual who person that~~ Except as provided in subs. (7) and sub. (10), every individual who person that sells or solicits the sale of, or ~~who that~~ who that expects to sell or solicit the sale of, ~~a total of 10 20 or more cemetery lots or mausoleum spaces per year during a 2 consecutive calendar year years shall register with be licensed by the department. An individual board. A person may not be registered licensed as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the department board that the individual person is competent to act as a cemetery salesperson. Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and An applicant for licensure as a cemetery salesperson shall furnish to the department board, in such form as the department board prescribes, all of the following information:~~ within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and An applicant for licensure as a cemetery salesperson shall furnish to the department board, in such form as the department board prescribes, all of the following information:

SECTION 2337L. 440.91 (2) (a) of the statutes is repealed and recreated to read:

ter who is certified as a dietician under subch. V of ch. 448.

SECTION 2338v. 452.13 (2) (b) 3. of the statutes is amended to read:

452.13 (2) (b) 3. Furnish the department of regulation and licensing with a letter authorizing the department of regulation and licensing and the department of administration commerce to examine and audit the interest-bearing common trust account whenever the department of regulation and licensing or the department of administration commerce considers it necessary.

SECTION 2339. 452.13 (2) (bm) of the statutes is amended to read:

452.13 (2) (bm) The department of regulation and licensing shall forward to the department of administration commerce the information and documents furnished under par. (b).

SECTION 2340. 452.13 (2) (d) of the statutes is amended to read:

452.13 (2) (d) The department of administration commerce is the beneficial owner of the interest accruing to the interest-bearing common trust account, minus any service charges or fees.

SECTION 2341. 452.13 (2) (e) 1. of the statutes is amended to read:

452.13 (2) (e) 1. Annually, before February 1, remit to the department of administration commerce the total interest or dividends, minus service charges or fees, earned on the average daily balance in the interest-bearing common trust account during the 12 months ending on the previous December 31. A depository institution is not required to remit any amount if the total interest or dividends for that period is less than \$10 before any deduction for service charges or fees.

SECTION 2342. 452.13 (2) (e) 2. of the statutes is amended to read:

452.13 (2) (e) 2. When the interest remittance is sent, furnish to the department of administration commerce and to the broker maintaining the interest-bearing common trust account a statement that includes the name of the broker for whose account the remittance is made, the rate of interest applied, the amount of service charges or fees deducted, if any, and the account balance for the period that the statement covers.

SECTION 2343. 452.13 (2) (f) 2. of the statutes is amended to read:

452.13 (2) (f) 2. May not assess a service charge or fee for an interest-bearing common trust account against the department of administration commerce.

SECTION 2344. 452.13 (2) (f) 3. of the statutes is amended to read:

452.13 (2) (f) 3. May deduct a service charge or fee from the interest earned by an interest-bearing common trust account, and if a balance remains, may deduct the remaining charge or fee from the interest earned on any other interest-bearing common trust account maintained

in that depository institution, before remitting interest to the department of administration commerce.

SECTION 2345. 452.13 (5) of the statutes is amended to read:

452.13 (5) RULES. In consultation with the department of regulation and licensing, the department of administration commerce shall promulgate rules necessary to administer this section.

SECTION 2345m. 457.02 (5m) of the statutes is amended to read:

457.02 (5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a ~~substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm. Code~~ certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a ~~substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code~~ certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75.

SECTION 2346. 460.05 (1) (e) 1. of the statutes is amended to read:

460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork approved by the educational approval board under s. ~~45.54~~ 38.50 or completed a training program approved by the department under the rules promulgated under s. 460.04 (2) (b).

SECTION 2347. 460.05 (3) of the statutes is repealed and recreated to read:

460.05 (3) The department shall grant a certificate as a massage therapist or bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d), (g), and (h) and who includes with the application specified in sub. (1) (c) all of the following:

(a) Evidence satisfactory to the department that, during the 2-year period after March 1, 2003, the person was actively engaged in the practice of massage therapy or bodywork.

(b) An attestation that the person only recently became aware of the requirements of this chapter.

SECTION 2347p. 560.031 of the statutes is created to read:

560.031 Grants for ethanol production facilities. Notwithstanding ss. 560.135 (2), 560.138 (2) (a), and 560.17 (3), the department may not make a grant for an ethanol production facility on which construction begins after the effective date of this section [revisor inserts date], unless a competitive bidding process is used for the construction of the ethanol production facility.

SECTION 2348m. 560.075 of the statutes is created to read:

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the health and safety of individuals relocated, utilization of services allowable under the Medical Assistance Program, and the costs of providing Medical Assistance Program services per individual.

(d) The savings, if any, generated as the result of the relocations authorized under section 46.277 (5) (g) of the statutes, as affected by this act, including the average savings generated per relocation and total savings.

(12s) TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION.

(a) *Certified alcohol and drug counselors.* Except as provided in paragraph (am), all of the following individuals who are certified under the following titles under the requirements of section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before the effective date of this paragraph are certified as follows under section 440.75 of the statutes, as created by this act:

1. If certified as a registered alcohol and drug counselor I, certified as a basic substance abuse counselor.

2. If certified as a certified alcohol and drug counselor II, certified as an intermediate substance abuse counselor.

3. If certified as a certified alcohol and drug counselor III or as a certified alcohol and drug counselor-D, certified as an independent substance abuse counselor.

4. If certified as a registered clinical supervisor, certified as a basic clinical supervisor.

5. If certified as a certified clinical supervisor I, certified as an intermediate clinical supervisor.

6. If certified as a certified clinical supervisor II or certified clinical supervisor-G, certified as an independent clinical supervisor.

7. If certified as a certified prevention professional, certified as a prevention specialist.

(am) *Exception.* This subsection does not apply to a physician, as defined in section 448.01 (5) of the statutes, who specializes in psychiatry, a clinical social worker, as defined in section 457.01 (1r) of the statutes, or a licensed psychologist, as defined in section 455.01 (4) of the statutes, who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(b) *Rules and orders.* All rules of the department of health and family services regulating certification of alcohol and drug counselors, as determined by the secretary of administration, that are in effect immediately before the effective date of this paragraph are void on the effective date of this paragraph. All orders of the department of health and family services regulating certified alcohol and drug counselors, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of regulation and licensing.

(c) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, shall become the assets and liabilities of the department of regulation and licensing.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, is transferred to the department of regulation and licensing.

(e) *Contracts.* All contracts entered into by the department of health and family services relating to the certification of alcohol and drug counselors in effect on the effective date of this paragraph remain in effect and are transferred to the department of regulation and licensing. The department of regulation and licensing shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of regulation and licensing to the extent allowed under the contract.

(f) *Pending matters.* Any matter pending with the department of health and family services relating to the regulation of alcohol and drug counselors on the effective date of this paragraph is transferred to the department of regulation and licensing and all materials submitted to or actions taken by the department of health and family services with respect to the pending matter are considered as having been submitted to or taken by the department of regulation and licensing.

(13f) REPORT ON ALTERNATIVE FUNDING FOR REFUGEE FAMILY STRENGTHENING PROJECT. No later than January 1, 2006, the department of health and family services, in cooperation with the recipients under the Refugee Family Strengthening Project of grants under section 46.95 of the statutes, as affected by this act, in fiscal year 2004-05, shall report to the joint committee on finance on alternative funding sources for the Refugee Family Strengthening Project.

(13g) REPORT REGARDING EVIDENCE-BASED PRACTICES FOR TREATMENT IN DRUG OFFENDER DIVERSION PROGRAMS. By December 31, 2006, the department of health and family services shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under section 13.172 (3) of the statutes, regarding how it determined, under section 16.964 (12) (c) 4. of the statutes, as created by this act, what are the evidence-based practices in substance abuse and mental health treatment.

(13n) REPORT ON CAPPING NUMBER OF PRESCRIPTION DRUGS PER RECIPIENT UNDER PUBLIC ASSISTANCE PROGRAMS. By July 1, 2006, the department of health and

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Vetoed In Part Risk-Sharing Plan on the effective date of this subsection.

(5) RECOVERY OF INCORRECT PAYMENTS UNDER MEDICAL ASSISTANCE AND BADGERCARE.

(a) *Incorrect payments.* The treatment of sections 49.497 (title) and (2) of the statutes, the renumbering and amendment of section 49.497 (1) of the statutes, and the creation of section 49.497 (1) (a) 3. of the statutes first apply to incorrect payments made on the effective date of this paragraph.

(b) *Recovery procedure.* The treatment of sections 20.435 (4) (L) and 49.497 (1m), (4), and (5) of the statutes, the renumbering and amendment of section 49.85 (2) (a) of the statutes, and the creation of section 49.85 (2) (a) 3. of the statutes first apply to incorrect payment recoveries that are commenced on the effective date of this paragraph, regardless of when the incorrect payments were made.

(8) CAREGIVER CRIMINAL HISTORY SEARCHES. The treatment of section 50.065 (2) (bg) and (br) of the statutes first applies to arrest and conviction information requested on the effective date of this subsection.

(8f) DAY CARE CENTER LICENSING. The treatment of section 48.65 (3) (a) of the statutes first applies to an existing day center whose license continuation date is July 1, 2005, or a new day care center that opens on July 31, 2005.

(8q) TRANSFER OF ALCOHOL AND OTHER DRUG ABUSE COUNSELOR CERTIFICATION. The treatment of sections 440.03 (13) (b) 5m., 440.08 (2) (a) 9m., and 457.02 (5m) and subchapter VII of chapter 440 of the statutes first applies to applications for certification of alcohol and other drug abuse counselors or for renewal of certification of alcohol and other drug abuse counselors made on the effective date of this subsection.

(9d) DOMESTIC ABUSE GRANTS. The treatment of section 46.95 (2) (d) 1. and 2. of the statutes first applies to domestic abuse grants awarded in 2005.

(9e) CEMETERY, FUNERAL, AND BURIAL EXPENSES INFORMATION. The treatment of section 49.785 (2) and (3) of the statutes first applies to a reimbursement of cemetery, funeral, and burial expenses that are paid by a county or tribal governing body or organization and for which the county or tribal governing body or organization received a reimbursement claim form on the effective date of this subsection.

(9k) AUTHORIZATION REQUESTS FOR PHYSICAL AND OCCUPATIONAL THERAPY SERVICES. The treatment of section 49.45 (42m) of the statutes first applies to durational reductions made with respect to authorization requests that are received by the department of health and family services on the effective date of this subsection.

Vetoed In Part (9q) COVERAGE OF BARIATRIC SURGERY UNDER MEDICAL ASSISTANCE. The treatment of sections 49.45 (27) and 49.46 (2) (f) of the statutes first applies to

surgeries performed on the effective date of this subsection.

(9w) GENERIC DRUG COPAYMENTS FOR MEDICAL ASSISTANCE AND BADGER CARE. The treatment of sections 49.45 (18) (ag) 1. and 49.665 (5) (am) 1. of the statutes first applies to drug prescriptions that are filled on the effective date of this subsection.

SECTION 9322. Initial applicability; higher educational aids board.

SECTION 9323. Initial applicability; historical society.

SECTION 9324. Initial applicability; Housing and Economic Development Authority.

SECTION 9325. Initial applicability; insurance.

SECTION 9326. Initial applicability; investment board.

(1c) INVESTMENT BOARD OPERATING BUDGET AUTHORITY. The treatment of section 25.187 (2) (c) 1., 2., and 3. b. of the statutes first applies to the calculation of the operating budget authority of the investment board for the 2006-07 fiscal year.

SECTION 9327. Initial applicability; joint committee on finance.

SECTION 9328. Initial applicability; judicial commission.

SECTION 9329. Initial applicability; justice.

(1) CRIME VICTIM AND WITNESS SURCHARGES DISTRIBUTION. The treatment of section 973.045 (3) (a) 1. of the statutes first applies to moneys collected from crime victim and witness surcharges that are imposed on the effective date of this subsection.

(2) CRIME VICTIM AND WITNESS SURCHARGES AMOUNT. The treatment of section 973.045 (1) (a) and (b) of the statutes first applies to surcharges imposed on the effective date of this subsection.

SECTION 9330. Initial applicability; legislature.

SECTION 9331. Initial applicability; lieutenant governor.

SECTION 9332. Initial applicability; lower Wisconsin state riverway board.

SECTION 9333. Initial applicability; Medical College of Wisconsin.

SECTION 9334. Initial applicability; military affairs.

SECTION 9335. Initial applicability; natural resources.

(1) CONSERVATION PATRON LICENSES. The treatment of sections 27.01 (7) (c) 7. and (8) (b) 3. and 29.235 (3), (5), and (6) of the statutes first applies to conservation patron licenses issued on the effective date of this subsection.

(2f) SOLID WASTE FACILITY SITING BOARD FEE. The treatment of section 289.64 (3) of the statutes first applies to solid or hazardous waste disposed of on the effective date of this subsection.

Vetoed In Part

Kennedy, Debora

From: Schuh, Dennis - DRL
Sent: Wednesday, March 08, 2006 8:07 AM
To: Kennedy, Debora
Subject: RE: Certification draft

Hi

I do have a couple of questions.

Page 2 line 14 shouldn't we strike "intermediate"

line 15 shouldn't we replace independent with clinical

Thanks Again
Dennis

-----Original Message-----

From: Kennedy, Debora [<mailto:Debora.Kennedy@legis.state.wi.us>]
Sent: Tuesday, March 07, 2006 4:27 PM
To: Schuh, Dennis - DRL
Subject: Certification draft

<< File: 05-4804/? >>

Debora A. Kennedy

Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

From Dennis: Change DNFS to DORL

Kennedy, Debora

From: Schuh, Dennis - DRL
Sent: Wednesday, March 08, 2006 7:36 AM
To: Kennedy, Debora
Subject: RE: Certification draft

Hi

The draft looks good. There is one potential problem and that is DHFS is now balking at doing the education review. We may need to change that to DRL. I will try and get that resolved this morning.

Thank you for your great effort on this request.

Dennis

-----Original Message-----

From: Kennedy, Debora [<mailto:Debora.Kennedy@legis.state.wi.us>]
Sent: Tuesday, March 07, 2006 4:27 PM
To: Schuh, Dennis - DRL
Subject: Certification draft

<< File: 05-4804/? >>

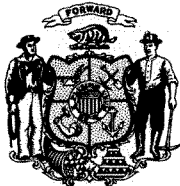
Debora A. Kennedy

Managing Attorney

Legislative Reference Bureau

(608) 266-0137

debora.kennedy@legis.state.wi.us



1 WINDOW 150
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4804/2

DAK:1:....

Wlj

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

- 1 **AN ACT** ^{Gen}...; **relating to:** certification of substance abuse counselors, clinical
2 supervisors, and prevention specialists and requiring the exercise of
3 rule-making authority.

Analysis by the Legislative Reference Bureau

* Under current law, as affected by 2005 Wisconsin Act 25 (the biennial budget act), the Department of Regulation and Licensing (DORL) is in 2006 required to promulgate rules that establish minimum standards and qualifications for the certification of clinical supervisors, substance abuse counselors, and prevention specialists and to ^{so} certify individuals who meet the applicable standards and qualifications. Numerous subcategories of certification exist within the categories of clinical supervisors, substance abuse counselors, and prevention specialists.

Effective December 15, 2006, this bill modifies the titles of some of the subcategories of clinical supervisors, substance abuse counselors, and prevention specialists, creates the subcategory of prevention specialist-in-training, and limits renewals of certification for clinical supervisors-in-training, substance abuse counselors-in-training, and prevention specialists-in-training. *

The bill authorizes DORL to establish a minimum number of hours of continuing education to be required for certification renewal and continuing educational topic areas. The bill also authorizes DORL to require continuing education as part of any disciplinary process for an individual. However, the bill requires the Department of Health and Family Services to establish criteria for approval of continuing education programs and courses and for approval of sponsors and cosponsors of the programs and courses and to approve programs and courses in accordance with these criteria.

DORL
9999

The bill requires DORL to promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision, and prevention.

Lastly, the bill clarifies the effective date for provisions concerning certification of clinical supervisors, substance abuse counselors, and prevention specialists enacted under the biennial budget act.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 9m. of the statutes, as created by 2005 Wisconsin Act
2 25, is amended to read:

3 440.08 (2) (a) 9m. Substance abuse counselor, clinical supervisor, or prevention
4 specialist: Except as limited in s. 440.88 (4), March 1 of each odd-numbered year;
5 \$70.

History: 2005 a. 25.

6 **SECTION 2.** 440.75 (1) (a) of the statutes, as ^{created} affected by 2005 Wisconsin Act 25,
7 is renumbered 440.88 (1) (a) and amended to read:

8 440.88 (1) (a) "Clinical supervisor" means a basic clinical supervisor
9 supervisor-in-training, an intermediate clinical supervisor, or an independent
10 clinical supervisor.

History: 2005 a. 25.

11 **SECTION 3.** 440.75 (1) (b) of the statutes, as created by 2005 Wisconsin Act 25,
12 is renumbered 440.88 (1) (b) and amended to read:

13 440.88 (1) (b) "Substance abuse counselor" means a basic substance abuse
14 counselor counselor-in-training, an intermediate substance abuse counselor, or an
15 independent substance abuse counselor.

Handwritten notes:
- "counselor in training" with an arrow pointing to "counselor-in-training"
- "a clinical" with an arrow pointing to "a basic substance abuse counselor"

History: 2005 a. 25.

16 **SECTION 4.** 440.75 (3) (a) 1. of the statutes, as created by 2005 Wisconsin Act
17 25, is renumbered 440.88 (3) (a) 1. and amended to read:

1 440.75²⁸ (3) (a) 1. ~~Basic substance~~ Substance abuse counselors
2 counselors-in-training.

History: 2005 a. 25.

3 **SECTION 5.** 440.75 (3) (a) 2. of the statutes, as created by 2005 Wisconsin Act
4 25, is renumbered 440.88 (3) (a) 2. and amended to read:

5 440.75²⁸ (3) (a) 2. ~~Intermediate substance~~ Substance abuse counselors.

History: 2005 a. 25.

6 **SECTION 6.** 440.75 (3) (a) 3. of the statutes, as created by 2005 Wisconsin Act
7 25, is renumbered 440.88 (3) (a) 3. and amended to read:

8 440.88 (3) (a) 3. ~~Independent~~ Clinical substance abuse counselors.

History: 2005 a. 25.

9 **SECTION 7.** 440.75 (3) (a) 4. of the statutes, as created by 2005 Wisconsin Act
10 25, is repealed.

11 **SECTION 8.** 440.75 (3) (a) 7. of the statutes, as created by 2005 Wisconsin Act
12 25, is renumbered 440.88 (3) (a) 7. and amended to read:

13 440.88 (3) (a) 7. Prevention specialists specialists-in-training.

History: 2005 a. 25.

14 **SECTION 9.** 440.75 (4) of the statutes, as created by 2005 Wisconsin Act 25, is
15 renumbered 440.88 (4) and amended to read:

16 440.88 (4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification
17 as a substance abuse counselor, clinical supervisor, or prevention specialist under
18 this section shall be made on a form provided by the department and filed with the
19 department and shall be accompanied by the fee specified in s. 440.05 (1). The
20 renewal date and renewal fee for certification as a substance abuse counselor, clinical
21 supervisor, or prevention specialist are specified under s. 440.08 (2) (a). Renewal of
22 certification as a substance abuse counselor-in-training, a clinical

1 supervisor-in-training, or a prevention specialist-in-training may only be made
2 twice.

History: 2005 a. 25.

3 **SECTION 10.** 440.88 (1) ^{am}(~~q~~) of the statutes is created to read:

4 440.88 (1) ^{am}(~~q~~) "Prevention specialist" means a prevention
5 specialist-in-training or a prevention specialist.

6 **SECTION 11.** 440.88 (3) (a) 4. ^mof the statutes is created to read:

7 440.88 (3) (a) 4. ^mClinical supervisors-in-training.

8 **SECTION 12.** 440.88 (3) (a) 8. [✓]of the statutes is created to read:

9 440.88 (3) (a) 8. Prevention specialists.

10 **SECTION 13.** 440.88 (9) [✓]of the statutes is created to read:

11 440.88 (9) CONTINUING EDUCATION. The department may do all of the following:

12 (a) Establish the minimum number of hours of continuing education required
13 for renewal of certification under this section and the topic areas that the continuing
14 education must cover.

15 (b) Require continuing education as part of any disciplinary process for an
16 individual.

17 **SECTION 14.** 440.88 (10) [✓]of the statutes is created to read:

18 440.88 (10) CONTINUING EDUCATION COURSE APPROVAL. The department of health
19 ~~and family services~~ shall establish the criteria for the approval of continuing
20 education programs and courses required for renewal of certification of a substance
21 abuse counselor, clinical supervisor, or prevention specialist and the criteria for the
22 approval of the sponsors and cosponsors of those continuing education programs and
23 courses. The department of health and family services shall approve continuing

1 education programs and courses in accordance with the criteria established under
2 this subsection.

3 **SECTION 15.** 440.88 (11) of the statutes is created to read:

4 440.88 (11) SCOPE OF PRACTICE. The department shall promulgate rules
5 establishing minimum standards for the practice of substance abuse counseling,
6 supervision, and prevention.

7 **SECTION 16.** 457.02 (5) of the statutes is amended to read:

8 457.02 (5) Authorize any individual who is certified or licensed under this
9 chapter to use the title "alcohol and drug counselor" or "chemical dependency
10 counselor" unless the individual is certified as an alcohol and drug counselor or as
11 a chemical dependency counselor through a process recognized by the department
12 of health and family services.

DELETE SPACE

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25; s. 13.93 (1) (b).

13 **SECTION 17.** 457.02 (5m) of the statutes, as affected by 2005 Wisconsin Act 25,
14 is amended to read:

15 457.02 (5m) Authorize any individual who is certified or licensed under this
16 chapter to treat alcohol or substance dependency or abuse as a specialty unless the
17 individual is a certified substance abuse counselor, clinical supervisor, or prevention
18 specialist under s. 440.75 440.88, or unless the individual satisfies educational and
19 supervised training requirements established in rules promulgated by the
20 examining board. In promulgating rules under this subsection, the examining board
21 shall consider the requirements for qualifying as a certified substance abuse
22 counselor, clinical supervisor, or prevention specialist under s. 440.75 440.88.

History: 2005 a. 25.

23 **SECTION 18.** 2005 Wisconsin Act 25, section 9121 (12s) (a) 1. to 6. is amended
24 to read:

1 [2005 Wisconsin Act 25] Section 9121 (12s) (a) 1.

→ **INSERT X** ←

2 **SECTION 19.** 2005 Wisconsin Act 25, section 9421 (10q) is amended to read:

3 [2005 Wisconsin Act 25] Section 9421 (10q)

→ **INSERT Y** ←

4 **SECTION 20. Nonstatutory provisions.**

5 (1) TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION. An individual
6 who was certified as a registered prevention worker under the requirements of
7 section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before
8 July 27, 2005, is certified as a prevention specialist-in-training under section 440.88
9 of the statutes, as affected by this act.

10 **SECTION 21. Effective date.**

11 (1) This act takes effect on December 15, 2006.

12 (END)

has a certified alcohol and drug counselor or as a certified alcohol and drug counselor

2005 Wisconsin Act 25

- 366 -

INSERT X

2005 Assembly Bill 100

Vetoed
In Part

the health and safety of individuals relocated, utilization of services allowable under the Medical Assistance Program, and the costs of providing Medical Assistance Program services per individual.

(d) The savings, if any, generated as the result of the relocations authorized under section 46.27(5)(g) of the statutes, as affected by this act, including the average savings generated per relocation and total savings.

(12s) TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION.

(a) *Certified alcohol and drug counselors.* Except as provided in paragraph (am), all of the following individuals who are certified under the following titles under the requirements of section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before the effective date of this paragraph are certified as follows under section 440.75 of the statutes, as created by this act:

1. If certified as a registered alcohol and drug counselor I, certified as a basic substance abuse counselor.

2. If certified as a certified alcohol and drug counselor II, certified as an intermediate substance abuse counselor.

3. If certified as a certified alcohol and drug counselor III or as a certified alcohol and drug counselor D, certified as an independent substance abuse counselor.

4. If certified as a registered clinical supervisor, certified as a basic clinical supervisor.

5. If certified as a certified clinical supervisor I, certified as an intermediate clinical supervisor.

6. If certified as a certified clinical supervisor II or certified clinical supervisor G, certified as an independent clinical supervisor.

7. If certified as a certified prevention professional, certified as a prevention specialist.

(am) *Exception.* This subsection does not apply to a physician, as defined in section 448.01 (5) of the statutes, who specializes in psychiatry, a clinical social worker, as defined in section 457.01 (1r) of the statutes, or a licensed psychologist, as defined in section 455.01 (4) of the statutes, who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(b) *Rules and orders.* All rules of the department of health and family services regulating certification of alcohol and drug counselors, as determined by the secretary of administration, that are in effect immediately before the effective date of this paragraph are void on the effective date of this paragraph. All orders of the department of health and family services regulating certified alcohol and drug counselors, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of regulation and licensing.

(c) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, shall become the assets and liabilities of the department of regulation and licensing.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and family services relating to the certification of alcohol and drug counselors, as determined by the secretary of administration, is transferred to the department of regulation and licensing.

(e) *Contracts.* All contracts entered into by the department of health and family services relating to the certification of alcohol and drug counselors in effect on the effective date of this paragraph remain in effect and are transferred to the department of regulation and licensing. The department of regulation and licensing shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of regulation and licensing to the extent allowed under the contract.

(f) *Pending matters.* Any matter pending with the department of health and family services relating to the regulation of alcohol and drug counselors on the effective date of this paragraph is transferred to the department of regulation and licensing and all materials submitted to or actions taken by the department of health and family services with respect to the pending matter are considered as having been submitted to or taken by the department of regulation and licensing.

(13f) REPORT ON ALTERNATIVE FUNDING FOR REFUGEE FAMILY STRENGTHENING PROJECT. No later than January 1, 2006, the department of health and family services, in cooperation with the recipients under the Refugee Family Strengthening Project of grants under section 46.95 of the statutes, as affected by this act, in fiscal year 2004-05, shall report to the joint committee on finance on alternative funding sources for the Refugee Family Strengthening Project.

(13g) REPORT REGARDING EVIDENCE-BASED PRACTICES FOR TREATMENT IN DRUG OFFENDER DIVERSION PROGRAMS. By December 31, 2006, the department of health and family services shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under section 13.172 (3) of the statutes, regarding how it determined, under section 16.964 (12) (c) 4. of the statutes, as created by this act, what are the evidence-based practices in substance abuse and mental health treatment.

(13n) REPORT ON CAPPING NUMBER OF PRESCRIPTION DRUGS PER RECIPIENT UNDER PUBLIC ASSISTANCE PROGRAMS. By July 1, 2006, the department of health and

has a certified clinical supervisor

Vetoed
In Part

Vetoed
In Part

Vetoed
In Part

Vetoed
In Part

supervisor-in-training

2005 Wisconsin Act 25

- 392 -

2005 Assembly Bill 100

SECTION 9418. Effective dates; Fox River Navigational System Authority.

SECTION 9419. Effective dates; governor.

SECTION 9420. Effective dates; Health and Educational Facilities Authority.

SECTION 9421. Effective dates; health and family services.

(1) BADGER CARE COVERAGE FOR UNBORN CHILDREN.

The treatment of sections 49.665 (1) (g), (3), (4) (ap), (at) 3., (c), and (d), and (5) (ag), (am) (intro.), (b), and (c) and 49.82 (2) of the statutes, the renumbering and amendment of section 49.665 (2) (a) of the statutes, the amendment of section 49.665 (7) (a) 1. of the statutes, and the creation of section 49.665 (2) (a) 2. of the statutes take effect on January 1, 2006.

Vetoed
In Part

(5p) HEALTH INSURANCE RISK-SHARING PLAN; TRANSFER OF ADMINISTRATION. The treatment of sections 20.145 (5), 20.435 (4) (u) and (v), 25.17 (1) (gf), 25.55 (intro.), (3), and (4), 149.10 (2), (2j) (a) 3., (2m), (2i) (c), (3e), (7), (9), and (10), 149.115, 149.12 (1) (intro.) and (a), (1m), (3) (a) and (c), (4), and (5), 149.13 (1), (3) (a) and (b), and (4), 149.14 (1) (a), (2) (a), (3) (intro.) and (a) to (r), (4), (4c), (4m), (5), (5m), (6) (a) and (b), (7) (b) and (c), and (8), 149.141, 149.142 (1) (a) and (b) and (2), 149.143, 149.144, 149.145, 149.146 (1) (a) and (b) and (2), 149.15, 149.155, 149.16 (title), (1m), (3) (a), (b), (c), and (e), (4), and (5), 149.165, 149.17 (1), (2), and (4), 149.175, 149.20, 601.41 (1), 601.415 (12), 601.64 (1), (3) (a) and (c), and (4), 613.03 (4), 631.20 (2) (f), and 632.785 (title) and chapter 149 (title) of the statutes and SECTIONS 9221 (3p) and 9321 (4p) of this act take effect on January 1, 2006.

(6) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS. The treatment of sections 20.435 (5) (ce) and (7) (ce) and 46.972 (title) and (3) of the statutes, the repeal of section 46.972 (2) (title) of the statutes, the renumbering of section 46.972 (2) of the statutes, and SECTION 9121 (5) of this act take effect retroactively to July 1, 2005.

(7) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes effect on January 1, 2006.

(10e) BENEFIT SPECIALIST FUNDING. The treatment of section 46.81 (2) (by SECTION 897r) of the statutes takes effect on July 1, 2007.

(10f) DAY CARE CENTER LICENSING. The treatment of section 48.65 (3) (a) of the statutes and SECTION 9321 (8f) of this act take effect retroactively to July 1, 2005.

(10q) TRANSFER OF ALCOHOL AND OTHER DRUG ABUSE COUNSELOR CERTIFICATION. The treatment of sections 440.03 (13) (b) 5m., 440.08 (2) (a) 9m., and 457.02 (5m) and subchapter VII of chapter 440 of the statutes and SECTIONS 9121 (12s) and 9321 (8q) of this act take effect on January 1, 2006.

Vetoed
In Part

(11f) UTILITY PUBLIC BENEFITS FUND FOR INCOME MAINTENANCE. The repeal of section 20.435 (4) (y) of the statutes and the amendment of section 49.78 (8) (a) (by

SECTION 1189m) of the statutes take effect on June 30, 2007.

(11k) CHIPPEWA FALLS RURAL HEALTH CLINIC. The treatment of section 146.65 (1) (c) of the statutes takes effect on July 1, 2006.

(11q) ALLOCATION OF DRUG ABUSE PROGRAM IMPROVEMENT SURCHARGE. The repeal and recreation of section 961.41 (5) (c) 1. of the statutes takes effect on July 1, 2007.

(11w) GENERIC DRUG COPAYMENTS FOR MEDICAL ASSISTANCE AND BADGER CARE. The treatment of sections 49.45 (18) (ag) 1. and 49.665 (5) (am) 1. of the statutes and SECTION 9321 (9w) of this act take effect on October 1, 2005.

Vetoed
In Part

(12e) CEMETERY, FUNERAL, AND BURIAL EXPENSES INFORMATION. The treatment of section 49.785 (2) and (3) of the statutes and SECTION 9321 (9e) of this act take effect on January 1, 2006.

SECTION 9422. Effective dates; higher educational aids board.

SECTION 9423. Effective dates; historical society.

SECTION 9424. Effective dates; Housing and Economic Development Authority.

(1q) SURPLUS TRANSFER. The treatment of section 234.165 (2) (c) (intro.) (by SECTION 2118L) of the statutes and the repeal of section 234.165 (3) of the statutes take effect on June 30, 2007.

SECTION 9425. Effective dates; insurance.

SECTION 9426. Effective dates; investment board.

SECTION 9427. Effective dates; joint committee on finance.

SECTION 9428. Effective dates; judicial commission.

SECTION 9429. Effective dates; justice.

(2p) TRANSFER OF PENALTY SURCHARGE RECEIPTS TO HANDGUN PURCHASER CHECKS. The treatment of section 20.455 (2) (gr) (by SECTION 358c) of the statutes takes effect on July 1, 2007.

(3p) REPEAL OF TRANSACTION INFORMATION MANAGEMENT OF ENFORCEMENT SYSTEM APPROPRIATION. The repeal of section 20.455 (2) (cm) of the statutes takes effect on July 1, 2006.

SECTION 9430. Effective dates; legislature.

SECTION 9431. Effective dates; lieutenant governor.

SECTION 9432. Effective dates; lower Wisconsin state riverway board.

SECTION 9433. Effective dates; Medical College of Wisconsin.

SECTION 9434. Effective dates; military affairs.

SECTION 9435. Effective dates; natural resources.

(1q) PHEASANT HUNTING. The treatment of section 20.370 (1) (hr) and (hw) of the statutes, the renumbering and amendment of section 29.191 (2) (c) of the statutes, and the creation of section 29.191 (2) (c) 2. of the statutes take effect on March 1, 2006.

December 15

Northrop, Lori

From: Wagner, Mike
Sent: Monday, March 20, 2006 8:59 AM
To: LRB.Legal
Subject: Draft Review: LRB 05-4804/1 Topic: Substance abuse counselors

Please Jacket LRB 05-4804/1 for the SENATE.